

Hyde Park City Council Meeting
113 East Center Street
Hyde Park, Utah

October 14, 2015

The Hyde Park City Council meeting of October 14, 2015 began at 7:00 p.m. and was conducted by Mayor Bryan Cox

City Officials Present: Mayor Bryan Cox, Council members: Brent Kelly, Bob Christensen, Bret Randall, Sharidean Flint and Charles Wheeler, Planning and Zoning members: Mark Lynne, and Mark Hurd, Police Chief: Kim Hawkes, and City Recorder: Donja Wright.

Others Present: Mike Cooper, Daniel Watkins, Daysen Chambers, Brayden Christensen, Natalie Hansen, Mekenna Melan, Lucas Lowder, Cole Hansen, Scott Sorensen, Justin Poulsen, Luke Garrison, Alan Poulsen, Benjamin Danci,

Prayer or Thought: Council member Randall

Pledge of Allegiance: Justin Poulsen

Adoption of Agenda: Council member Christensen moved that the Hyde Park City Council approve the agenda for the October 14, 2015 Hyde Park City Council meeting as presented. Council member Flint seconded the motion. Council members Kelly, Christensen, Randall, Flint, and Wheeler voted in favor. The motion carried 5/0

Review Financial Statement for August & September – The Council reviewed the Financial Statements for August and September.

Citizen Input: No Input

Consider Resolution 2015-10: A Resolution Adopting the 2015 Pre-Disaster Mitigation Plan: Bear River Region. Council member Wheeler asked the Council what the implications would be for Hyde Park City to accept this plan. The Council had some discussion and determined that they would like more information before they sign the resolution. Council member Kelly made a motion to continue this discussion to a future Council meeting when a member of BRAG can join the discussion and help the Council understand the expectations for Hyde Park City. Council member Wheeler seconded the motion. Council members Kelly, Christensen, Randall, Flint, and Wheeler voted in favor. The motion carried 5/0.

Consider Resolution 2015-11: A Resolution Requesting the Recertification of the Hyde Park City Justice Court: Council member Kelly made a motion to approve Resolution 2015-11 – A Resolution Requesting the Recertification of the Hyde Park City Justice Court. Council

member Flint seconded the motion. Council members Kelly, Christensen, Randall, Flint and Wheeler voted in favor. The motion carried 5/0.

Discuss changing the master road plan to show a 66' road on 1600 East (North Logan's Addressing) to match North Logan: The Mayor informed the Council that the road as it comes Northward from North Logan to Hyde Park, is a 66' Right-Of-Way (ROW). Currently on the Hyde Park City master road plan the width is 80'. The City would need to purchase the additional property to make the ROW larger. Council member Wheeler recommended that the Council consider the long term build-out of the Community and the need for more North to South corridors. He thinks it would be a wise decision to keep it an 80' ROW. Council member Wheeler informed the Council that a narrow road could be built now as long as the City owns the ROW for future expansion if necessary.

Discuss clarification and enforcement of Accessory Apartments – The Planning and Zoning Commission asked that the City Council discuss the enforcement of the accessory apartment ordinance specifically, meeting City Code and paying for separate utilities. The Mayor informed the Council that there are challenges to requiring a house that operates off one meter to pay for separate water charges. How does the City enforce separate readings? Council member Randall said that the sewer fees should be separate and charged to each residence. Council member Flint asked if the citizens are aware that the Ordinance passed and how the City can make Citizens aware of the Ordinance and want to become compliant. Council member Randall said that the purpose of the ordinance was to get the apartments out in the open and encourage people to get their houses up to code. He said that he feels that if it is an apartment, then they should have separate fees. The Council discussed the difficulty of enforcing an ordinance and how the enforcement of most ordinances is complaint driven. The Council decided that it would not be possible to charge 2 separate water fees based on meter reads and in section 13-9-1d of the ordinance the word "water" should be removed. The ordinance already states that the Accessory Apartment will be charged the low water rate. The Council recommended that Donja put articles about the Ordinance in the newsletters. The Council also recommended that letters be written to those who are known to be in violation of the ordinance. The Council requested that the Ordinance be added to the next agenda for approval.

Discuss submitting an application to the DWR for certification of registration for urban deer control plan – The Planning & Zoning Commission recommended that the City Council submit the application to the DWR and begin writing a plan but hold off on submitting a plan until the City observes North Logan for one year. The Council was in agreement that the Planning and Zoning Commission could submit an application to the DWR for the Certification of Registration for Urban Deer Control plan.

Discuss the plans for Secondary Water in Hyde Park – Mark Hurd approached the Council and asked that they give the Planning and Zoning Commission direction before they continue drafting an ordinance to outline the obtaining of water shares by Hyde Park City. P&Z is

working on developing language to require developers to give, forfeit, turn-over or sale the City excess water shares after the developers have used all the water shares necessary. Mark informed the Council that here are a few options to consider 1) City has the option to purchase the shares as a first right of refusal. 2) The City could require a separate impact fee for water shares that could be used to offset the impact on the culinary system. 3) The City could require developers to turn over the water shares to the City who takes ownership and operates the system. Mark said that there would have to be a place the water share would need to be assigned to Council member Wheeler reminded Mark and the Council that Sunrise engineering has been working on a study to actively pursue building a secondary water system above the canal.

Mark Hurd informed the Council that there will a few other issues that will need to be addressed; one is the value of the shares from one canal to the other. Mark informed the Council that one of P&Zs big questions was does the City's water impact fee give consideration to purchasing new water shares. He discussed this with Sunrise Engineering and they informed him that Hyde Park City's impact fees does not include this. The Council's biggest concern is that the water shares are protected; whatever route the City takes has to be about protecting the shares. Mark stated that currently the secondary right that exists is the responsibility of the canal company and the water right is assigned to that canal. If a landowner tries to use the shares other than in that area, they are breaking the water rights law.

Council member Kelly informed the Council that in order for the City to have a right to the shares, they need to show beneficial use or the shares can be sold out of the area. He recommended looking into putting together a secondary water utility so the City can show beneficial use. As a development comes to the City, the City puts the secondary water system in the subdivision, the City charges the residents and as the pool grows, the discussion can be had as to how to move those shares east. Mark Hurd informed the Council that he met with the Hyde Park Canal Company board and their opinion is that they are interested in doing all that can be done to restore access to everyone. They are more interested in having neighborhoods do their own and not be part of part of a City run utility. He asked the Council if they are interested in the Ordinance requiring a sub-divider to come to the City and the City exercising its first right of refusal? Council member Wheeler informed the Council that the Impact fees were not raised to the recommended amount during the last study. The difference in the water impact fee could be exercised to compensate the City from the sub-divider, utilizing canal systems in other parts of the City. Council member Kelly recommended the City Council consider a separate utility. He felt that this was a great option for those below the Hyde Park Canal.

Continue a discussion on the trail and open space in the Northern Meadows Subdivision:

The Mayor informed the Council that this is a continued discussion from a prior City Council meeting. Council member Kelly reviewed minutes from 2009 where discussions on the trail and open space were recorded. In the LUA minutes from 4/16/09 the minutes read "The trail to the open space needs to be shown and a cross section with detail given on the plans". The City Council minutes from 5/13/2009 reads "Council member Kelly had concerns about the open space in regard as to what will happen to it between now and when the rest of the development is

completed. Mike said that it will remain a hayfield that will be cut and maintained, and will be landscaped with a walking path included, when the construction of the development is completed. Brent feels that the development of the open space should be done in Phase I, and also asked who would have access to it. Mike said that the residents of the development and the public would have access to the open space". Council member Kelly informed the Council that he understands that the plat that was recorded and the development agreement may not show the trail, but it was agreed to by the developer.

Mr. Cooper approached the Council and informed them that he told the Home Owners Associations that if they use the trail and open space, they need to help pay for maintenance. The Home Owners Association met and held a vote and determined they did not want to help pay for the maintenance. Mike Cooper informed the Council that his initial plan for the subdivision that was rejected, he presented new plans to the City and many discussions and revisions occurred over the years. He said that the Development Agreement was written by the City Attorney and the Final Plat was approved by the Council and the City Attorney. He has been using those documents as the final word and has built the subdivision according to plan. He placed a gravel trail in the middle of a hayfield because that is what the City wanted. When phase 3 began, he developed the open space and the gravel trail became a road with 4-wheelers, bikes etc. driving on it. He put a fence in at a cost of \$26,000 to prevent people from getting hurt. If he opens the fence, what is it promoting besides getting kids to school? It would be allowing public access through private land. Daniel Watkins, a resident of Northern Meadows informed the Council that five years ago when he was purchasing his property, he went to the County to see the plat and there was no public access recorded. He would not have purchased his lot next to a public access. Council member Randall stated that Mr. Cooper's development is in A-1 zoning and the only way phase I and phase II were allowed was because of the open space. If those residents do not have access to the open space then he is out of compliance with the zoning ordinance. Council member Kelly suggested to Mr. Cooper and the Council that oversights on the plat may be able to be corrected. Daniel Watkins said that the Council can't force changes onto the citizens. Council member Flint asked if it is possible to find a resolution that works for everyone such as opening the fence for the space of a single person. Mr. Cooper said he was OK with that solution but the HOA voted against it. He also questioned where the liability falls with a public access on private land. The Council determined that they would like to talk to the City attorney and determine what the options are. Council member Kelly said that the City has no control over HOAs. He suggested that if the HOA agrees that the homeowners in phase 3 alone will bear the costs to maintain the open space and that phase 1 and phase 2 members of the HOA will bear no costs, that is a matter for the HOA, and the city will not be involved in that decision. It may also be possible that the entire HOA agrees to limit access to phase 1 and phase 2 residents by fencing the open space; however, any decision of this type would still be need to be in compliance with the open space conditions of the subdivision ordinance at the time the subdivision was approved and constructed. At one point in the discussion, council member Randall suggested that one way to keep the green space fenced off yet remain in compliance with the ordinance may be through invoking the bonus density option, which Mr. Cooper immediately indicated he has no interest in doing.

Departments:

Roads – Council member Christensen informed the Council that the City was awarded a CCOG Grant for \$843,381.00 for 3100 North. He also noted that the bridge on Center Street will be asphalted tomorrow and opened for use by Friday. The public works team will be finishing 450 North soon and they are working on getting a bid from Edge to complete the road.

Water – Council member Randall informed the Council that the spring is down and Mike may have to turn on the pumps.

Emergency Management - Council member Flint informed the Council that the Citizens Core Committee met and worked on a plan to shut the power down and see if the generator works. The City may need another generator to operate the water flow during a big event.

Council member Wheeler informed the Council that he would like a few items added to the agenda from the League of Cities and Towns; specifically discussion on a wildfire plan and Strong Cities.

Parks: Council member Wheeler informed the Council that the Public works team is putting in bark mulch along the trail at Lion's Park. He also mentioned the he will begin to prepare for a Grant application for the new park across from Park Meadows. He recommends that the City pursue looking into getting a little more land to the north so full size soccer fields can be installed. He asked Brent Kelly if he could get a copy of the water shed report to see how much water shed is recommended for that area.

Adjourn: 10:15p.m.

Donja Wright – City Recorder

Council member Kelly made a motion to approve the minutes from the October 14, 2015 Council meeting. Council member Randall seconded the motion. Council members Kelly, Christensen, Randall, Flint and Wheeler voted in favor. The motion carried 5-0.